

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

In re:

DIANN M. SMITH,  
  
Debtor.

Case No. 3:13-bk-02288-JAF  
  
Chapter 13

**ORDER ON DEBTOR'S MOTION TO DETERMINE SECURED STATUS OF BANK OF AMERICA, N.A. AND TO STRIP LIEN EFFECTIVE UPON DISCHARGE**

This case is before the Court on Diann M. Smith's, the debtor (the "Debtor"), Motion to Determine Secured Status of Bank of America, N.A. and to Strip Lien Effective Upon Discharge (Doc. No. 22) (the "Motion"), and the Court, having considered Motion, and considering the Objection was served with the negative notice legend pursuant to Local Rule 2002-4, and having neither heard nor received any opposition to the relief requested by the Motion within the time stated by the Motion, it is

**ORDERED**

1. The Motion is granted.
2. The collateral, being real property located at 2102 McMillan Street, Jacksonville, Florida (the "Collateral"), is encumbered by a valid first mortgage lien recorded at book 13768 and page 30 of the Official Public Records of Duval County (the "First Mortgage"), having an unpaid principal balance at the time this Order is entered which exceeds the value of the Collateral.
3. The Collateral is more particularly described as follows:  
  
LOT 6, BLOCK 2, LINCOLN PLACE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 11 PAGE 50, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

4. The Collateral is also encumbered by a junior lien recorded at book 13768 and page 53 of the Official Public Records of Duval County, Florida (the "Second Mortgage"), which, as of the date of this Order, has no value over and above the First Mortgage upon which the Second Mortgage can attach.

5. Pursuant to 11 U.S.C. § 506(a), the Second Mortgage is wholly unsecured.

6. Notwithstanding the foregoing, this Order is not recordable or enforceable until the Debtor receives a Discharge in this Chapter 13 case.

7. Upon entry of the Discharge and the completion of all payments pursuant to any order confirming a debt adjustment plan in this case, the Second Mortgage is avoided and extinguished automatically without further order, provided, however, that if the Debtor fails to make all required payments and no Discharge is entered, the Mortgage shall survive and remain fully enforceable and this Order shall have no further force and effect.

DATED this 31 day of July, 2013 in Jacksonville, Florida.



Jerry A. Funk  
United States Bankruptcy Judge

Julianna E. Groot is hereby directed to serve a copy of the foregoing order upon all interested parties and file a proof of service within three (3) days of entry of the order.

RECORDED IN THE US BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION  
CASE NO. 13-54 NO. 7778